

DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY

DEPARTMENTAL PERSONNEL MANUAL SYSTEM

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SUBJECT: Payment of Overtime for Travel

DATE: MAY 17 1985

This is to notify you of a change to Title 5 of the United States Code (USC) affecting the payment of overtime for travel resulting from an event which could not be scheduled or administratively controlled. Public Law 98-473 of October 12, 1984, amended 5 USC 5542(b)(2)(B)(iv) by adding the phrase underscored below:

"5542. Overtime rates; computation

...

(b) For the purpose of this subchapter--

...

(2) time spent in a travel status away from the official-duty station is not hours of employment unless--

...

(B) the travel...

(iv) results from an event which could not be scheduled or controlled administratively, including travel by an employee to such an event and the return of such employee from such event to his or her official duty-station."

Previously, even though the initial travel met the condition of being an uncontrollable event, the return trip also had to fall within one of the conditions of 5 USC 5542(b)(2)(B) in order to be compensable overtime. With this change, the time spent in return travel is hours of employment whenever the initial travel

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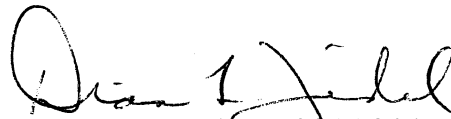
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resulted from an event which could not be scheduled or administratively controlled. The return trip will be compensated as overtime so long as the other conditions for overtime are met (i.e., officially ordered, exceeds 40 hours in a week or 8 hours in a day).

Federal Wage System (FWS) employees are not affected by this legislative change as they are covered by 5 USC 5544. The Office of Personnel Management (OPM) is currently considering this aspect of the issue and if FWS employees are later covered, we will advise you.

The change was effective for travel on or after October 12, 1984. We recommend that any retroactive payments be handled on the basis of employee submitted claims for back pay. Please take appropriate action to notify your employees of the change.

To date, OPM has not issued any guidance on this change, but does plan to do so in the future. Until such time, questions may be directed to Mrs. Gail Batt on 426-4135.


Director of Personnel